

ENTERED

March 25, 2021

Nathan Ochsner, Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
MCALLEN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

VS.

2.1185 ACRES IN STARR COUNTY,
TEXAS; MARIA DEL ROSARIO G.
RAMIREZ; et al.,§
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CIVIL ACTION NO. 7:20-cv-00344

Defendants.

ORDER

The Court now considers the United States' "Opposed Motion to Add Marco Antonio Flores; Nora Linda Flores; Alicia Martha Sutherland; Jose Antonio Guzman, Jr.; Thalia Guzman; and Antonio Guzman as Proper Party Defendants; and for Dismissal of Unknown Heirs of Amalia G. Flores as Unnecessarily or Improperly Joined."¹ Defendants have not filed a response to the opposed motion and the time for doing so has passed, rendering Plaintiff's motion unopposed by operation of this Court's Local Rule.² The motion is now ripe for consideration.

I. LEGAL STANDARD

Pursuant to Federal Rule of Civil Procedure (Rule) 71.1(c)(3), "before any hearing on compensation, the Plaintiff must add as defendants all those persons who have or claim an interest and whose names have become known or can be found by a reasonably diligent search of the records, considering both the property's character and value and the interests to be acquired." A plaintiff may add all other defendants by designating them as "Unknown Owners."³ Rule

¹ Dkt. No. 56.

² LR7.4 ("Failure to respond to a motion will be taken as a representation of no opposition.").

³ Fed. R. Civ. P. 71.1(c)(3).

71.7(d) governs notice requirements for added defendants.⁴ Further, Rule 71.1(i)(2) provides that the Court “may at any time dismiss a defendant who was unnecessarily or improperly joined.”⁵

II. ANALYSIS

In the United States’ motion, it asserts that Marco Antonio Flores, Nora Linda Flores, and Alicia Martha Sutherland, are proper parties as heirs of Amalia G. Flores.⁶ The United States further asserts that Jose Antonio Guzman, Jr.; Thalia Guzman; and Antonio Guzman are also proper parties in this case as the heirs of Jose Antonio Guzman.⁷ Furthermore, because the United States has identified Marco Antonio Flores, Nora Linda Flores, and Alicia Martha Sutherland as the sole heirs of Amalia G. Flores, it now requests to dismiss Defendant Unknown Heirs of Amalia G. Flores as unnecessarily or improperly joined.⁸ In support of these assertions, the United States provides the Deed of Gift granting the subject property to the decedents, Amalia G. Flores and Jose Antonio Guzman;⁹ the unsworn declaration of Maria Luisa Morales identifying the heirs of Amalia G. Flores;¹⁰ the Texas Department of Health Bureau of Vital Statistics;¹¹ and the Texas, U.S., Divorce Index, 1968–2014.¹² It also references a telephone conversation with Blanca Kidwell in which Ms. Kidwell identified the heirs of Jose Antonio Guzman.¹³

Based on the evidence provided, the Court finds that Marco Antonio Flores; Nora Linda Flores; Alicia Martha Sutherland; Jose Antonio Guzman, Jr.; Thalia Guzman; and Antonio

⁴ Fed. R. Civ. P. 71.1(c)(4); *see* Fed. R. Civ. P. 71.1(d).

⁵ FED. R. CIV. P. 71.1(i)(2); *see id.* advisory committee’s note to 1951 amendment (“[T]he court may at any time drop a defendant who has been unnecessarily or improperly joined as where it develops that he has no interest.”).

⁶ Dkt. No. 56 at 3–4, ¶ 5; Dkt. No. 56-1.

⁷ Dkt. No. 56 at 6–7, ¶¶ 10–13; Dkt. No. 56-1.

⁸ Dkt. No. 56 at 1.

⁹ Dkt. No. 56-1.

¹⁰ Dkt. No. 56-2.

¹¹ Dkt. No. 56-3.

¹² Dkt. No. 56-4.

¹³ Dkt. No. 56 at 5–6, ¶¶ 9–13.

Guzman have an interest in the Subject Property. Thus, the Court finds that the United States meets the criteria under Rule 71.1(c)(3) to add them as Defendants in this case. Furthermore, the Court finds good cause for dismissing the Unknown Heirs of Amalia G. Flores as a Defendant from this case.

III. HOLDING

For the foregoing reasons, the Court **GRANTS** the United States' motion and adds Marco Antonio Flores; Nora Linda Flores; Alicia Martha Sutherland; Jose Antonio Guzman, Jr.; Thalia Guzman; and Antonio Guzman as Defendants in this case.¹⁴ The Court **ORDERS** the United States to serve all newly added Defendants, and provide proof of service to the Court, or provide good cause for its failure to do so by **April 9, 2021**. Further, the Court **DISMISSES** Defendant Unknown Heirs of Amalia G. Flores from this case and instructs the Clerk of the Court to terminate it as a party to this case.

IT IS SO ORDERED.

DONE at McAllen, Texas, this 25th day of March 2021.



Micaela Alvarez
United States District Judge

¹⁴ Dkt. No. 56.